

Chapter 3

UNESCO's World Heritage Convention and Global Governance



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While power produces rationality and rationality produces power, their relationship is asymmetrical. Power has a clear tendency to dominate rationality.

Bent Flyvbjerg (2002, 361)

Abstract The World Heritage Convention is increasingly exposed to criticism mainly due to its “infection by politics”. The transforming dynamics of the World Heritage system reflect broader transformations in global governance. As an international organization, UNESCO does not escape the continuous weakening of multilateralism. States parties to the 1972 convention are getting used to dealing with it mainly as a proxy for power and international conflict (Meskell). The global narrative of World Heritage is slowly being corrupted. The authors argue that in order to understand developments in the World Heritage system we need to acquire a broader perception of the transformations in international relations, and to make the best use of the still emerging concept of global governance.

Keywords Governance · Multilateralism · Civil society · International relations

3.1 A Successful Convention

The self-enforcing effectiveness of international law, its authority and legitimacy are established through the “cumulative actions of the system’s stakeholders” (Ku, 2018, 37). There are 1154 sites inscribed on the emblematic World Heritage list (as

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M.-T. Albert et al. (eds.), *50 Years World Heritage Convention: Shared Responsibility – Conflict & Reconciliation*, Heritage Studies,
https://doi.org/10.1007/978-3-031-05660-4_3

of November 2021). The effectiveness and legitimacy of the convention and its authority as an international legal instrument are technically substantiated by the annual gathering of the World Heritage Committee during which the state of conservation of inscribed properties and newly proposed inscriptions are assessed.

The legal framework of World Heritage has not only achieved global acceptance by states, it has gained significant visibility for a broad public and the renown of a highly valued label for heritage sites on a global scale, relevant not least for a continuously growing tourism industry.

Even if counterfactual proof cannot obviously be provided, we claim that the World Heritage Convention has significantly contributed to raising global awareness about the importance of protecting cultural and natural heritage. It has created global cooperation dedicated to the worldwide establishment of policies and measures for enhanced protection of heritage sites. This is precisely one of the ambitions set out in the convention as a legal provision, often overlooked due to the usual focus on the much more conspicuous selection mechanism for the inscription of sites in the global list.

Article 5 of the convention stipulates that States Parties have the duty to establish a comprehensive policy for the protection, conservation and presentation of the cultural and natural heritage situated on their territory, including its consideration in planning, the establishment of public services with appropriate staff and means, sufficiently resourced processes for the identification of heritage, and the development of technical and scientific research, as well as capacity building and training infrastructures. It does not come as a surprise that this far-reaching provision was softened, in the course of the negotiations for the convention, with the insertion, in the introductory *château* of article 5, that each State Party to the Convention shall only “endeavor, in so far as possible, and as appropriate for each country”, to put into practice all of the above. Those having been involved in this kind of negotiation know that “shall” is a good start to give a provision some authority. Which is, however, immediately lost with “endeavour”, and finally loses any appearance of rigor when followed by “in so far as possible, and as appropriate for each country”. Government delegations, when negotiating legal obligations that will, through the possible adoption and ratification of a convention, become binding for their countries, try to push for the minimum possible level of commitment. The noble moral underpinning of such an obligation is, in the perspective of political realism, no reason to consent to a legal commitment.

3.2 A Global Narrative

It is not the technical provisions for the protection of cultural and natural heritage that have resulted in the success of the World Heritage Convention. Its popularity and visibility are fundamentally linked to a powerful narrative the convention has contributed to create and to establish. The deconstruction of nationhood as “imagined communities” (Anderson, 1983) reflects a growing sense of the legitimacy of a

concept which transcends the contingencies of a “nation”: the concept of humankind, a convergence of universal values in the notion of a world, creating a political awareness of its common past as a heritage of humanity, or World Heritage. At the core of the fascination with and the success of World Heritage lies precisely the idea of a global and united humankind, and of the wealth and the deeper, intrinsic connectedness of its highly diversified cultural and natural sites.

The label “UNESCO World Heritage” still has an enthralling sound. It has become an internationally valued brand, reflecting the noble ambitions of a humanity exposed to persistent political fragmentation and intensifying global pressures of environmental and social crises.

3.3 A Crisis

In the World Heritage community – all actors engaged in the implementation of the convention and involved in the “cumulative actions of the system’s stakeholders” (Ku, 2018) – there is a remarkable enthusiasm for the endeavours sustained by this narrative, and for the exploratory links created by the World Heritage list across a global map of highly diversified cultural and natural places. But what is most striking in the approach of the 50th anniversary of the adoption of this legal text by UNESCO’s Member States in 1972, is a widespread unease, intensifying frustrations and criticisms towards the implementation of the convention. These are all the more serious as they are voiced by those communities, institutions and professionals who are more closely related to World Heritage.

Half a century into its existence, the World Heritage programme is facing its most challenging crisis yet. A crisis not visible to everyone, not to most of the tourists travelling to World Heritage-designated sites, nor to a public willing to give credit to this wonderfully encouraging silver lining in an otherwise depressingly mundane business of international affairs. But the crisis is there, and it is strikingly evident to all those involved in the implementation of the convention. As for every crisis, the question is: does it mean that a situation is changing, or that it is confirmed?

The discontent found its way into an article of *The Economist* (2010), which stated with regard to decisions taken at the World Heritage Committee meeting in Brazil in 2010, that “in its care for precious places, the UN cultural agency is torn between its own principles and its members’ wishes; the principles are losing ground”. As a reason, the article diagnosed that decisions regarding “danger listings” or concerning inscriptions into the World Heritage List “are getting infected by politics” (The Economist, 2010). In 2011, an independent evaluation by the external UNESCO auditor presented a detailed analysis of the 1994 *Global Strategy for a credible, representative and balanced World Heritage List* that came to similar conclusions. Among the many issues raised in relation to the implementation of the Global Strategy (Labadi, 2005; Gfeller, 2015; Franceschini, 2016), the 2011 evaluation highlighted that:

Credibility was defined as enforcing a rigorous application of the criteria established by the Committee [...]. But many States Parties do not adhere to these definitions, which is a source of dissatisfaction and misunderstanding. Some States Parties consider the nomination of a site to the List as a right. This claim diverges from the spirit and the letter of the 1972 Convention that provides that only properties having an outstanding universal value can be considered for inscription. (UNESCO, 2011b, 7)

In another document for the same session, the Auditor concluded that “due to the prestige of the World Heritage List, nomination becomes increasingly a geopolitical stake and not a heritage one for the benefit of all humanity and future generations” (UNESCO, 2011a, 6). Developments that contributed, in the eyes of the Independent External Auditor, “to a drift towards a more political rather than heritage approach to the Convention” (UNESCO, 2011a, 3).

This critical evaluation does not only document the confrontation of a political with a technical agenda. Meskell has pointed out that “World Heritage is being mobilized as a proxy for international conflict” (Meskell, 2018, 155). The World Heritage Convention is an excellent instance of multilateral cooperation, inspiring as well multifaceted bilateral and agency support. It’s a microcosm of all sorts of intersecting cultural, economic, local and global issues. It mirrors the ongoing deep transformations that are taking place in global governance in all areas. The prestigious multilateral arena of World Heritage has become an increasingly contentious pressure point for a new vigour in the articulation – and successful assertion – of the geopolitical ambitions of this twenty-first century. This is why we think that a critical analysis of this instrument at the occasion of its 50th anniversary needs to be put in a broader context.

3.4 Decline of Multilateralism

The processes, decision-making and institutional set up directing all activities within the World Heritage framework are part of the wider architecture of multilateral cooperation. We cannot reflect on the increasingly evident flaws and deficiencies of World Heritage without considering them in the light of a broader crisis of multilateral cooperation. The foundational text of this framework is an international treaty, adopted by sovereign states after a process of unflinching negotiations, some of which were collected in the excellent research done by Christina Cameron and Mechthild Rössler (2013). During these negotiations, every single issue is put in the perspective of the specific spin of political interests which – in a highly fragmented international arena – are as divergent as they are hard-wired. Conventions are usually carefully constructed in such a way that no relevant curtailment of state sovereignty is likely to occur in the wake of a possible adoption and ratification by the relevant national authorities. But the main challenge is how states “behave” in putting into practice such an international treaty. Much depends on how processes and procedures in the dynamic of its implementation are understood and handled by the actors, in relation to the foundational spirit of the convention. To what extent can an

organization like UNESCO, as “trustee” of this treaty, impact the implementation with its secretariat?

Whereas from the outside, it might seem that the UNESCO secretariat, with its stock of regional units and international officers in its headquarters in Paris, is the body in charge of handling the World Heritage convention, a closer look at the convention's text and procedures reveals that decision making is in the hands of member states, through decisions of the 21 States Parties elected to the World Heritage Committee and in a more limited way by the General Assembly of States Parties to the convention. Multilateralism is transforming with a change in how states and their governments are willing to use international organizations for their own agendas. In international relations, an anniversary of 50 years is a very long period. Even longer are the 77 years (in 2022) since the foundation of UNESCO in 1945.

In April 2021, the renowned think-tank Chatham House came to the conclusion that

the multilateral system is outdated. A refit is long overdue. Multilateralism is facing a crisis of confidence. The system designed in the 20th century has successfully curbed great-power conflict and advanced humanitarian and development aims. But it has significant deficits in terms of legitimacy, transparency, accountability and equitable representation (Chatham House, 2021).

In one of the roundtables of the think-tank, a participant noted “that the system may be working effectively at the ‘thin’, interest-based level [among states], but that the deeper values of multilateralism are under threat” (Chatham House, 2021).

The multilateral architecture of international cooperation, of which UNESCO is only a small element, is massively challenged by reinvigorating strategies of national unilateralism and increasingly antagonistic struggles for global and regional hegemonies from which new geopolitical situations are emerging. These developments are accompanied by an increasing renunciation of diplomatic subtlety. We all are witnesses of a significant decrease in the ambition of governments to hide, justify or rationalize controversial political manoeuvres.

The uneasiness with a continuous weakening of the multilateral architecture is more felt by middle powers who most benefit from its functioning. Reacting to these developments, during the joint French and German Presidencies of the UN Security Council in March and April 2019, both countries presented their plan for an *Alliance for Multilateralism* in New York, on 2 April 2019, to a group of 14 countries. This informal network “aims to renew the global commitment to stabilize the rules-based international order, uphold its principles and adapt it, where necessary” (Alliance for Multilateralism). A commitment that needs to be renewed is a commitment that is failing.

UNESCO must be regarded in this broader context as a rather weak organization, a paradoxical perception against its still immense global renown, in particular owed to the prestige of the World Heritage programme. The funding UNESCO has received from its member states over decades must be described as negligible when held against the organization's aims and objectives. The situation became even more challenging with the second withdrawal of the United States from the organization

in the wake of the decision taken by UNESCO's General Conference on 31st October 2011 to admit Palestine as a full member of UNESCO. As a consequence of the immediate stop of US contributions, "as from 2011, the regular budget had to be reduced by almost 25 per cent, which implied a reduction of activities by 30 per cent and more" (Hüfner, 2017).

3.5 Global Governance

In the introduction to their handbook *International Organization and Global Governance*, Weiss and Wilkinson (2018) argue that the time has come to make a decisive shift in the research for international organizations and international relations towards the broader concept of global governance. The reason they see is that this concept captures the pluralization of the international political arena of today, with its large variety of players, including civil society organisation:

[...] global governance refers to the totality of the ways, formal and informal, the world is governed. The emergence and widespread recognition of transnational issues that circumscribe state capacity along with the proliferation of non-state actors responding to perceived shortfalls in national capabilities and a willingness to address them in the context of a perceived crisis of multilateralism combined to stimulate new thinking (Weiss & Wilkinson, 2018, 9).

The concept of global governance appeared, in its current usage, with the creation of an independent commission, "supported by the UN secretary-general and chaired by then Swedish prime minister, Ingvar Carlsson, and former Commonwealth secretary-general Shridath Ramphal" (Murphy, 2018, 33), that gave itself the name of "Global Governance Commission" when issuing its report in 1995. The commission addressed four global problems, concerning the environment, a more equitable global economic order for developing countries, an increase in productivity with commitments to sharing the benefits of growth, and finally the strengthening of the UN system for peacekeeping and humanitarian interventions.

This terminology seemed to respond to a conceptual need for the analysis of international relations. Murphy relates its immediate impact. In the same year 1995, a new journal *Global Governance: A Review of Multilateralism and International Organizations* was launched by the Academic Council on the UN system. "In 1999, the fifth year that the phrase was used, Google Scholar reports that there were over 1000 articles and books published that used it. Twelve years later, there were about ten times that number [...]. The use of 'global governance' continues to grow faster than that of either of these other terms [i.e. 'international security' and 'international political economy']" (Murphy, 2018, 33; for World Heritage cfr. Schmitt, 2011).

As stated by Weiss and Wilkinson, it was the concept of global governance "that really captured the post-Cold War Zeitgeist and that has enabled IR (international relations) scholars to begin to grapple more fully with how the world is organized in all of its complexity" (Weiss & Wilkinson, 2018, 9). This conceptual shift is largely

driven by the recognition of the increasingly important role of non-state actors. It is a scientific concern for greater inclusivity.

This concern is echoed by the informal network Alliance for Multilateralism. One of the three objectives the alliance proposes for the advancement of multilateral organizations through reforms, is to make “multilateral institutions and the global political and economic order more inclusive and effective in delivering tangible results to citizens around the world” (Alliance for Multilateralism, 2021). Aiming at greater inclusivity and more effective links to the everyday life of “citizens around the world” is a key plea not only for these politicians. The Chatham House think-tank, in its reflection on global governance, arrives at the same conclusion: “Greater inclusion is an important element of re-engineering global governance for today’s world. The influence of new agents of change is showing that states do not control the governance equation as they once did” (Chatham House, 2021, 2, Roundtable Perspectives).

It is important to note that this conceptual shift to a more inclusive and broader understanding of “the totality of the ways, formal and informal, the world is governed” (Weiss and Wilkinson) is connected to another conceptual shift: the perspective of strategic intervention. Surprisingly for an analytical paper of academic research, the authors see the real value of the concept of global governance in its use to provide political direction: “Yet global governance’s primary utility lies not only in working out the theoretical and empirical parameters but rather in reorienting the way we ask questions about the world around us” (Weiss & Wilkinson, 2018, 11). They repeat this claim a page further with an even greater emphasis on the potential of this new thinking to mobilize citizens to get involved with how the world is governed: “Global governance thus should help us understand where we came from and why we have got to where we are, as well as *a way to develop strategies for where we should be going*” [our italics] (Weiss & Wilkinson, 2018, 12). Interestingly, in his essay on the emergence of global governance, Murphy puts the same emphasis on this point: “It may be helpful to close this opening chapter to the subject by suggesting that the most fruitful use of the term [global governance] has been contributing to our understanding of how the world works and what we might do to change that” (Murphy, 2018, 33).

The crisis of the World Heritage system, its politicization, is directly linked to a lack of inclusivity, a reduced influence of non-state actors, and to an insufficient concern for effectively “delivering tangible results to citizens around the world” (Alliance for Multilateralism, 2021). The weakness of multilateralism in its current form to deliver on these promises is increasingly reflected in UNESCO’s World Heritage programme – understood as all activities initiated and carried out in the framework of the implementation of the 1972 convention.

3.6 A Global Narrative

The promise of inclusivity, however, was given by founding member states of UNESCO in the solemn adoption of its constitution. In the fifth paragraph of the *consideranda* of the constitution,

the Governments of the States Parties to this Constitution on behalf of their peoples declare: [...] That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind (UNESCO, 2020, 6).

The concept of global governance, in its ambition to embrace and mobilize citizens, to stimulate their sense of global solidarity, and to create, in this strategic perspective, a peaceful global cooperation, is part of UNESCO's DNA. It is at the heart of its foundational narrative.

In its unique and fascinating way, UNESCO's *Convention Concerning the Protection of the World Cultural and Natural Heritage* takes up the ambition to respond to a newly emerging, and increasingly urgent sense of global responsibility, through the creation of a heritage protection system based on international cooperation and shared responsibilities. In its preamble, the convention highlights that challenges of decay and destruction of heritage are a concern for "all the nations of the world" (preamble, para 3) and "all the peoples of the world" (para 6), and, concluding in a pathetic crescendo, "of mankind as a whole" (para 7). The concept of "world heritage" mirrors the awareness of global threats that call for different, globally agreed and shared approaches to governance, to be established by the "international community as a whole" (para 8), in the form of an "effective system of collective protection" (para 9).

This sense of globality had become particularly conspicuous in 1972. The Cold War had petrified a political confrontation of planetary dimensions. The stabilizing threat was that of mutual extinction. There were calculations of how many times accumulated nuclear weapons could annihilate the entire world population. A peripheral element helps to capture the atmosphere: in 1972, the construction of a huge government bunker in Ahrweiler, Germany, was completed. Today a heritage site, the bunker was built to provide shelter to some 3.000 members of government, military and administration in case of a nuclear attack. A quite worrying detail: the speech that West-Germany's President would have delivered to the people in the case of a nuclear war, was already drafted and is today on display in the museum.

In this context, the historic landing on the moon of Apollo 11 on July 20th 1969, one of the first globally televised events in history, meant to win the Cold War space race, projected the presence of humanity beyond the colonized and increasingly threatened sphere of our planet. This move into space can be seen as the practical completion of our post-modern concept of globality. Only a few weeks after the adoption of the World Heritage Convention, the inspirational iconography of the Blue Marble, "one of the most iconic images – not just of our time, but of all time" (Petsko, 2011) was produced by Apollo 17 in December 1972. The imagery created

by the Apollo missions contributed to a concrete perception of the globality as well as of the fragility of human endeavours in the cosmic dimension. The picture sent in February 1990 by Voyager 1 from over 6 billion kilometres distance, in which earth is a mere “pale blue dot” with less than a pixel of the photograph, should contribute to further calming our planetary antagonisms and to promoting the reasonable logic of a “intellectual and moral solidarity of mankind”, idealized in UNESCO's constitution. The exploration of space has led to the paradoxical insight that the emergence of globality in the political sphere is less an effect of accumulating space for human agency, than a result of the inevitable perception of the narrowing limits of growth.

This was the main message when, again in 1972 – a pivotal year in a transformational twentieth century – the Club of Rome published the *Limits to Growth*, a report that challenged the concept of continuous economic growth and found an astonishing global resonance. When revisiting the report in 2000, Matthew Simmons commented: “Its conclusions were stunning. It was ultimately published in 30 languages and sold over 30 million copies. According to a sophisticated MIT computer model, the world would ultimately run out of many key resources. These limits would become the ‘ultimate’ predicament to mankind” (Simmons, 2000).

3.7 New Agendas

In the 1970s, the safeguarding of heritage was rising higher on the international agenda, encouraged by campaigns like the rescue and safeguarding of monumental Nubian monuments such as Abu Simbel. In the long term, however, environmental concerns became a more pressing force in driving political agendas. In these years in which mankind learned to imagine itself inhabiting an increasingly limited planetary space – a heritage and resource in its own right – the first UN-Conference on the Human Environment was held in Stockholm in June 1972. At that early stage of the rising environmental agenda, UNESCO halted plans of IUCN to propose a convention on the safeguarding of natural sites for adoption in the Stockholm conference. UNESCO was, in parallel, preparing a convention on the protection of cultural sites for adoption in November 1972 in Paris. When UNESCO officials became aware of the plans of IUCN, they feared that a separate international legal instrument for natural sites, coordinated by IUCN, would lead to a significant reduction in UNESCO's own mandate for nature conservation (Batisse & Bolla, 2005). This would have been a setback for UNESCO, which only two years prior had launched its intergovernmental programme for the establishment of Biosphere-reserves.

As conceptually fertile as the subsequent wrapping of the cultural and natural heritage in one legal instrument may have been for the future, in the decades after the adoption of the World Heritage Convention culture and cultural heritage increasingly lost connection with the continuously rising agenda of sustainability and sustainable development. Attempts to establish a politically relevant cultural dimension in the sustainability agenda were not successful in the Millennium Development

Goals in 2000, and only partially for the Sustainable Development Goals in 2015. A new attempt was made to create a more substantial linkage with the *Policy on the integration of a sustainable development perspective into the processes of the World Heritage Convention*, adopted by the 20th General Assembly of the States Parties in November 2015 (UNESCO, 2015).

The World Heritage programme, notwithstanding its mandate for both the protection and conservation of cultural and natural heritage has, as yet, not developed concrete statutory or substantive programmatic links to the UN Sustainable Development Agenda. After the introduction of the category of cultural landscapes, historic urban landscapes, and the inclusion of provisions for the involvement of local communities in heritage identification and management, there is still the need to further modernize the convention's perspectives on cultural and natural heritage, also by continuing the exploration of the conceptual potential of their convergences. This is today being advanced through the work of the Advisory Bodies and structured capacity building efforts established within the World Heritage system: from the Capacity Building Strategy launched in 2011, to the ICOMOS-IUCN Connecting Practice project, to the joint ICCROM-IUCN World Heritage Leadership programme looking at improving conservation and management practices for culture and nature through people-centred and place-based approaches.

An entire dimension of that heritage has been cut out of its remit, with the creation of a new convention for intangible heritage. The 2003 Convention emerged as a result of the surge of interest in protecting cultural diversity and traditional knowledge in the face of globalizing forces as well as the inability of the 1972 Convention to adequately address these issues. Admittedly, the personal agenda of the then Director-General of UNESCO was a crucial element in this dynamic. The creation of the 2003 Convention can however be read as a result of the perceived shortcomings of the World Heritage Convention, including its bias towards European heritage and a failure to reflect properly the intangible values associated with natural and cultural sites in many regions of the world.

What the astonishing prestige of the World Heritage programme could have achieved in terms of conceptual innovation, international cooperation, mobilization of expert networks, involvement of communities and transformation of narratives, has been significantly limited and overshadowed by the heavy-handedness of States Parties, increasingly determined to cash in the prestige given by the World Heritage brand in the currency of unilateral political profit and economic development. This is why States Parties prefer to fully exert what they claim as their right: to outweigh a global ambition of humanity, set out in UNESCO's constitution and given concrete shape in the World Heritage Convention, with plain political power.

The formula coined by the think-tank Chatham House fails to capture this reality:

Greater inclusion is an important element of re-engineering global governance for today's world. The influence of new agents of change is showing that states do not control the governance equation as they once did.

This may be true for rating agencies and global software giants which have accumulated sufficient economic power to escape, at least partially (and probably only

temporarily), the control of national governments. In the World Heritage programme, the influence of new agents of change does not seem to be a reality. This is precisely the reason why the crisis of the World Heritage programme is worsening, why its deeper narrative is being corrupted.

The challenge we are facing has been captured poignantly by the philosopher Peter Sloterdijk in his formula of the synchronized time of the world:

The many cultures must understand that they look back at primarily distinct pasts and forward to primarily shared futures. [...] Local narratives are increasingly compelled to coordinate the *idiochronic* horizons of their constructs of history with the virtual synchronic horizon of a common world time (Sloterdijk, 2018).

We come from different histories, but we are heading towards the same future. This perspective is intended to reverse the antagonistic fragmentation of humanity. It seems that unleashed power politics have little interest in sustaining narratives of inclusivity and human solidarity, which are inscribed in UNESCO's constitution and are part of its institutional DNA. We might need the emerging concept of global governance not only, as Murphy (2018, 33) has stated, to contribute "to our understanding of how the world works", but also to get a better grip of "what we might do to change that".

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